

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMISI JERMAINE CALLOWAY,

Plaintiff,

v.

YOUSSEE, *et al.*,

Defendants.

Case No. 1:21-cv-01450-JLT-BAM (PC)

ORDER DISCHARGING ORDER TO SHOW
CAUSE WHY DEFENDANT T. LOAR
SHOULD NOT BE DISMISSED FROM THIS
ACTION FOR FAILURE TO PROVIDE
SUFFICIENT INFORMATION TO
EFFECTUATE SERVICE
(ECF No. 31)

ORDER DENYING PLAINTIFF'S RENEWED
MOTION TO APPOINT COUNSEL
(ECF No. 32)

Plaintiff Jamisi Jermaine Calloway ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendants Y. Rao, D. Pilar, H. Diaz, T. Loar, and H. Smuzynski for deliberate indifference to serious medical needs in violation of the Eighth Amendment when they released Plaintiff from a suicide crisis bed, and against Defendants D. A. Lopez and M. Cuevas for deliberate indifference to serious medical needs in violation of the Eighth Amendment when they failed to intervene during Plaintiff's two suicide attempts.

On June 21, 2022, the Court directed E-Service on all defendants. (ECF No. 25.) On July 29, 2022, the Court received information that Defendant Loar could not be identified. Accordingly, on August 2, 2022, the Court issued an order directing Plaintiff to show cause why

1 Defendant Loar should not be dismissed from this action for failure to provide sufficient
2 information to effectuate service. (ECF No. 31.) Plaintiff filed a response providing additional
3 information to identify Defendant Loar on August 11, 2022, together with a renewed motion for
4 appointment of counsel for the limited purpose of assisting Plaintiff in identifying Defendant Loar
5 for service of process. (ECF No. 32.) Plaintiff includes an exhibit which appears to be a copy of
6 a Classification Committee Chrono, which references the testimony of “Dr. T LOAR Pyscologist
7 [sic]” during a June 9, 2020 *Vitek* hearing. (*Id.* at 7.) In addition, the exhibit includes Patient
8 Encounter Information from June 10, 2020, entered by “Loar, Teresa Psychologist” from
9 Plaintiff’s IDTT (Interdisciplinary Treatment Team. (*Id.* at 8.)

10 In light of Plaintiff’s response, the Court finds it appropriate to discharge the August 2,
11 2022 order to show cause and to order a second E-Service attempt on Defendant T. Loar. The
12 Court therefore finds that Plaintiff’s motion for appointment of counsel for the limited purpose of
13 identifying Defendant Loar is now moot. In addition, the request is denied for the reasons stated
14 in the Court’s May 9, 2022 order denying Plaintiff’s prior motion to appoint counsel. (ECF No.
15 22.)

16 Based on the foregoing, IT IS HEREBY ORDERED as follows:

- 17 1. The August 2, 2022 order to show cause, (ECF No. 31), is DISCHARGED;
- 18 2. Plaintiff’s motion for appointment of counsel, (ECF No. 32), is DENIED, without
19 prejudice; and
- 20 3. By separate order, the Court will order a second E-Service attempt on Defendant T. Loar
21 based on the additional information provided.

22
23 IT IS SO ORDERED.

24 Dated: August 16, 2022

/s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE